

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

MICHELLE LYNETTE FOUGHT,

Plaintiff,

vs.

STATE OF MONTANA,

Defendant.

CV 23-67-GF-BMM

ORDER

Michelle Lynette Fought has lodged an unsigned Complaint (Doc. 2). She has also moved to proceed in forma pauperis but without the required account statement or affidavit in support. (Doc. 1.) Fought has checked the box on the Court's form Complaint for federal question jurisdiction, but then, apparently, misapprehends its meaning by asking a literal question: can the state court case against her be dismissed? (Doc. 2-1.)

The Clerk of Court cannot accept unsigned pleadings and Fought has not paid her fee. Either of these obstacles could be overcome by requesting that she do so. However, this Court will not intervene in state court criminal proceedings in this situation, and Fought's Complaint does not otherwise allege or state a claim. *Martinez v. Newport Beach City*, 125 F.3d 777, 781 (9th Cir. 1997), *overruled on other grounds* *Green v. City of Tucson*, 255 F.3d 1086 (9th Cir. 2001). As Fought simply asks a question regarding her state proceeding, the proper procedural remedy

is dismissal of the federal action. *AmerisourceBergen Corp. v. Roden*, 495 F.3d 1143, 1148 (9th Cir. 2007).

Accordingly, the Court issues the following:

**ORDER**

1. Fought's Lodged Complaint is dismissed, without prejudice.
2. The Clerk of Court is directed to close this matter and enter judgment accordingly.

DATED this 8th day of November, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court